

**GAUNTLETT & ASSOCIATES**

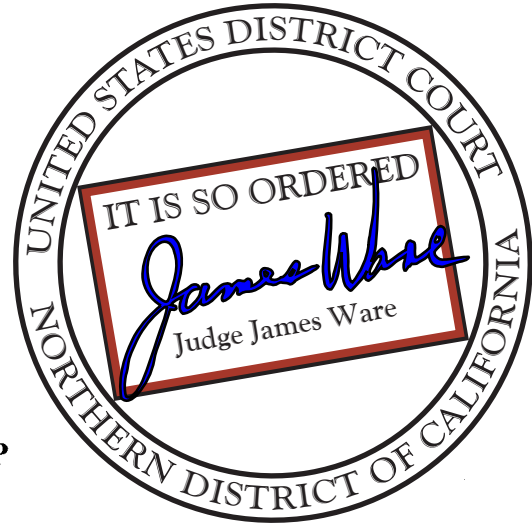
David A. Gauntlett (SBN 96399)  
James A. Lowe (SBN 214383)  
Christopher Lai (SBN 249425)  
18400 Von Karman, Suite 300  
Irvine, CA 92612  
Telephone: (949) 553-1010  
Facsimile: (949) 553-2050  
E-mail: jal@gauntlettlaw.com  
cl@gauntlettlaw.com

Attorneys for Plaintiff  
E.PIPHANY, INC.

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

Bruce D. Celebrezze (SBN 102181)  
Michael A. Topp (SBN 148445)  
One Market Plaza  
Steuart Tower, 8<sup>th</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 781-7900  
Facsimile: (415) 781-2635  
E-mail: bruce.celebrezze.sdma.com  
michael.topp@sdma.com

Attorneys for Defendant  
ST. PAUL FIRE & MARINE INSURANCE COMPANY



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

E.PIPHANY, INC., a Delaware corporation,

Plaintiff,

vs.

ST. PAUL FIRE & MARINE INSURANCE  
COMPANY, a Minnesota corporation,

Defendant.

Case No. 5:08-cv-02621-JW

Hon. James Ware

**STIPULATION ALLOWING PLAINTIFF  
TO FILE FIRST AMENDED  
COMPLAINT PURSUANT TO FEDERAL  
RULES OF CIVIL PROCEDURE, RULE  
15, NAMING INFOR GLOBAL  
SOLUTIONS (MICHIGAN), INC. AS  
NAMED PLAINTIFF**

PLEASE TAKE NOTICE THAT Plaintiff E.Piphany, Inc. ("E.Piphany"), through and by its counsel, Gauntlett & Associates, and Defendant St. Paul Fire & Marine Insurance Company ("St. Paul"), through and by its counsel, Sedgwick, Detert, Moran & Arnold LLP, hereby agree and stipulate as follows:

1. WHEREAS, plaintiff E.Piphany filed its Complaint on May 23, 2008,

2. WHEREAS, defendant St. Paul filed its Answer on July 15, 2008,

3. WHEREAS, E.Piphany, Inc. contends that it merged with Infor Global Solutions (Michigan), Inc. on May 31, 2007.

4. WHEREAS, "Infor Global Solutions (Michigan), Inc." ("Infor") contends that it is the successor-in-interest to E.Piphany, Inc. because of E.Piphany's merger into Infor, leaving Infor as the surviving corporation, and should be the named Plaintiff in this action,

5. WHEREAS, both parties agree that, pursuant to Federal Rules of Civil Procedure, Rule 15, plaintiff E.Piphany may file a First Amended Complaint, a copy of which is attached hereto, that names "Infor Global Solutions (Michigan), Inc." as Plaintiff, but is otherwise substantially identical to E.Piphany's Complaint filed on May 23, 2008,

6. WHEREAS, both parties agree that St. Paul shall file its answer to the First Amended Complaint within ten (10) days of the filing thereof,

7. WHEREAS, this stipulation shall not in any way affect Plaintiff's motion for summary judgment, filed June 12, 2008 and set for hearing October 27, 2008 except that Infor, as plaintiff, shall be deemed to be the party seeking partial summary judgment.

NOW, THEREFORE, THE PARTIES STIPULATE, AND REQUEST THE COURT TO ORDER, AS FOLLOWS:

1. Infor may file a First Amended Complaint as successor in interest to E.Piphany, Inc., a copy of which is attached hereto, that names "Infor Global Solutions (Michigan), Inc." as plaintiff, but is otherwise substantially identical to E.Piphany's Complaint filed on May 23, 2008.

2. St. Paul shall file its answer to the First Amended Complaint within ten (10) days of the filing thereof.

3. Plaintiff's motion for partial summary judgment, filed June 12, 2008, shall be deemed to have been brought on behalf of Infor.

**IT IS SO STIPULATED**

Dated: September 25, 2008

**GAUNTLETT & ASSOCIATES**

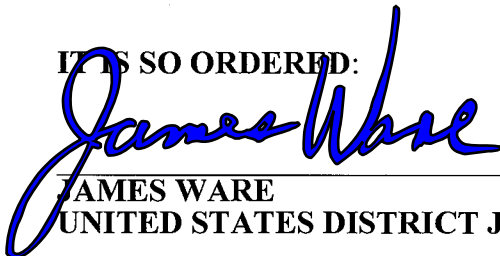
By: /s/ James A. Lowe  
David A. Gauntlett  
James A. Lowe  
Christopher Lai

Dated: September 25, 2008

**SEDGWICK, DETERT, MORAN & ARNOLD LLP**

By: /s/ Michael A. Topp  
Bruce D. Celebrezze  
Michael A. Topp

**IT IS SO ORDERED:**

  
JAMES WARE  
UNITED STATES DISTRICT JUDGE

DATED: October 8, 2008